



Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT1804-10/mmb	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/004889	International filing date (day/month/year) 09 May 2003 (09.05.2003)	Priority date (day/month/year) 14 June 2002 (14.06.2002)
International Patent Classification (IPC) or national classification and IPC C03B 23/207		
Applicant GANTENBRINK, Rudolf		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 6 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12 January 2004 (12.01.2004)	Date of completion of this report 21 September 2004 (21.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/004889

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-5 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-8 _____, filed with the letter of _____ 05 July 2004 (05.07.2004)
- ☒ the drawings:
pages _____ 1/4-4/4 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	1-6, 8	YES
	Claims	7	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following document:

D1: GB-A-221107

1. The subject matter of **claim 1** satisfies the requirements of PCT Article 33(1) to (3) with regard to novelty and inventive step.

1.1. Document D1, which is considered the closest prior art, discloses (see figures 1-2) a method for closing a hollow body made of glass from which the subject matter of claim 1 differs in that the glass stopper has a radially protruding projection, the outer diameter of which equals the outer diameter of the filler neck and which has a circumferential centering slope on the side facing the filler neck.

1.2. The problem to be solved by the present invention can thus be seen as that of ensuring that the stopper is prevented from falling into the hollow body and the length of the portion of the stopper that extends into the hollow body is precisely adjusted for each hollow body.

- 1.3. This problem is neither known nor obvious from document D1. Even if a person skilled in the art were to come across this problem by chance, it would not occur to him to modify the method according to D1 by using a projection.
2. Claims 2-6 are dependent upon claim 1 and thus likewise satisfy the PCT requirements with respect to novelty and inventive step.
3. The subject matter of claim 7 does not satisfy the requirements of PCT Article 33(1) and (3) with respect to inventive step.
- 3.1. Document D1, which is considered the closest prior art, discloses (see figures 1-2) a filled hollow body made of glass from which the subject matter of claim 7 differs in that the wall thickness of the hollow stopper is less than the wall thickness of the filling neck.
- 3.2. This feature is a minor structural modification to the hollow body that produces a light, economical body. The resulting advantages are readily foreseeable.
4. The subject matter of claim 8 satisfies the requirements of PCT Article 33(1) to (3) with regard to novelty and inventive step.

The arguments presented in paragraphs 1.1 to 1.3 likewise apply. The subject matter of claim 8 differs from D1 in that the glass stopper has a radially protruding projection, the outer diameter of which equals the outer diameter of the filler neck.

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5. **Claims 1-8** satisfy the requirements of PCT Article 33(4), since the method and the products can be used in the field of wine bottles.